UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,987	11/21/2001	Risto Kivipuro	460-010723-US(PAR)	3443

			EXAMINER
2512	7590	11/22/2005	CANGIALOSI, SALVATORE A

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/990,987	KIVIPURO ET AL.
	Examiner	Art Unit	
	Salvatore Cangialosi	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

   4a) Of the above claim(s) *26-29,31,32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25,30 and 33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Art Unit: 3621

1. The restriction requirement dated 01/28/2005 was previously
made final. The remote ordering is a subclass limitation since
claims 6 and 7 state that a charge may be imposed for a remotely
delivered content packet which fits within the subclass
definitions.

2.   The following is a quotation of 35 U.S.C. 103 which forms
the basis for all obviousness rejections set forth in this Office
action:

> A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that
> the subject matter as a whole would have been obvious at the
> time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which
> the invention was made.
>
> Subject matter developed by another person, which qualifies
> as prior art only under subsection (f) or (g) of section 102
> of this title, shall not preclude patentability under this
> section where the subject matter and the claimed invention
> were, at the time the invention was made, owned by the same
> person or subject to an obligation of assignment to the same
> person.

3.   Claims 1-14, 15-25, 30 and 33 are rejected under 35 U.S.C.
103 as being unpatentable over Kaydyk et al(6209111) in view of
either Ginter et al (5892900) or Watanabe et al(6084888).

        Regarding claim 1, Kaydyk et al (See Figs. 7 and
11, Col. 1, lines 45-65, Col. 9, lines 50-65,) disclose a method
for associating content with a data structure(header) in a
wireless communication device substantially as claimed. The
differences between the above and the claimed invention is the

use of explicit data structure definition. It is noted that the

claim appears to read on all wireless packets with headers. Each

of Ginter et al (See Figs 5b, 17, 20, 26-30) or Watanabe et al

(See Fig. 5-7, 11-12 and claims 1-11) show packets with complex

headers in a wireless environment. It would have been obvious to

the person having ordinary skill in this art to provide a similar

arrangement for Kaydyk et al because packet headers are

conventional functional equivalents of the claim limitations.

Regarding the data limitations of claim 2, Ginter et al (See Figs

5b, 17, 20, 26-30) or Watanabe et al (See Fig. 5-7, 11-12 and

claims 1-11) show packets with complex headers in a wireless

environment that are conventional functional equivalents of the

claim limitations. Regarding server limitations of claim 3,

Kaydyk et al (See elements 12 or 16) disclose web server

equivalents that is conventional functional equivalent of the

claim limitations. Regarding storage limitations of claim 4,

Kaydyk et al (See elements 59 and 61) disclose storage that is

conventional functional equivalent of the claim limitations.

Regarding the separate storage limitations of claim 5, Kaydyk et

al (See Figs. 7 and 11, Col. 1, lines 45-65, Col. 9, lines 50-

65,) disclose a method for associating content with a separate

data structure(header) in a wireless communication device that

are conventional functional equivalents of the claim limitations.

Regarding definition limitations of claim 6, Ginter et al (See

Figs 5b, 17, 20, 26-30) show content definition within a complex

packet header that is conventional functional equivalent of the claim limitations. Regarding charge limitations of claim 7, Ginter et al (See Figs 5b, 17, 20, 26-30) show content definition within a complex packet header that includes usage charge that is conventional functional equivalent of the claim limitations. Regarding protection limitations of claim 8, Ginter et al (See Figs 5b, 17, 20, 26-30) show content definition within a complex packet header that includes copy protection that is conventional functional equivalent of the claim limitations. Regarding the encryption limitations of claim 9, Ginter et al (See Figs 5b, 17, 20, 26-30) show content definition within a complex packet header that includes encryption that are conventional functional equivalents of the claim limitations. Regarding content limitations of claim 10, Ginter et al (See Figs 5b, 17, 20, 26-30) show multimedia content definition within a complex packet header that is conventional functional equivalent of the claim limitations. Regarding executable limitations of claim 11, Ginter et al (See Figs 5b, 17, 20, 26-30) show content definition within a complex packet header that includes executable code that is conventional functional equivalent of the claim limitations. Regarding storage limitations of claim 12, Ginter et al (See Figs 5b, 17, 20, 26-30) show content definition within a complex packet header that includes storage definition that is conventional functional equivalent of the claim limitations. Regarding classification limitations of claim 13 Ginter et al

(See Figs 5b, 17, 20, 26-30) show content definition within a
complex packet header that includes multimedia data classified by
type that is conventional functional equivalent of the claim
limitations. Regarding information limitations of claim 14,
Ginter et al (See Figs 5b, 17, 20, 26-30) show content definition
within a complex packet header that includes new data that is
conventional functional equivalent of the claim limitations.
Regarding claim 15, Kaydyk et al (See Figs. 7 and 11, Col. 1,
lines 45-65, Col. 9, lines 50-65,) disclose a means for
associating content with a data structure(header) in a wireless
communication device substantially as claimed. The differences
between the above and the claimed invention is the use of
explicit data structure definition. It is noted that the claim
appears to read on all wireless packets with headers. Each of
Ginter et al (See Figs 5b, 17, 20, 26-30) or Watanabe et al (See
Fig. 5-7, 11-12 and claims 1-11) show packets with complex
headers in a wireless environment. It would have been obvious to
the person having ordinary skill in this art to provide a similar
arrangement for Kaydyk et al because packet headers are
conventional functional equivalents of the claim limitations.
Regarding the data limitations of claim 16, Ginter et al (See
Figs 5b, 17, 20, 26-30) or Watanabe et al (See Fig. 5-7, 11-12
and claims 1-11) show packets with complex headers in a wireless
environment that are conventional functional equivalents of the
claim limitations. Regarding server limitations of claim 17,

Kaydyk et al (See elements 12 or 16) disclose web server
equivalents that is conventional functional equivalent of the
claim limitations. Regarding the separate storage limitations of
claim 18, Kaydyk et al (See Figs. 7 and 11, Col. 1, lines 45-65,
Col. 9, lines 50-65,) disclose a method for associating content
with a separate data structure(header) in a wireless
communication device that are conventional functional equivalents
of the claim limitations. Regarding version limitations of claim
19, Ginter et al (See Figs 5b, 17, 20, 26-30) show different
content definition within a complex packet header that is
conventional functional equivalent of the claim limitations.
Regarding definition limitations of claim 20, Ginter et al (See
Figs 5b, 17, 20, 26-30) show content definition within a complex
packet header that is conventional functional equivalent of the
claim limitations. Regarding charge limitations of claim 21,
Ginter et al (See Figs 5b, 17, 20, 26-30) show content definition
within a complex packet header that includes usage charge that is
conventional functional equivalent of the claim limitations.
Regarding protection limitations of claim 22, Ginter et al (See
Figs 5b, 17, 20, 26-30) show content definition within a complex
packet header that includes copy protection that is conventional
functional equivalent of the claim limitations. Regarding the
encryption limitations of claim 23, Ginter et al (See Figs 5b,
17, 20, 26-30) show content definition within a complex packet
header that includes encryption that are conventional functional

equivalents of the claim limitations. Regarding classification

limitations of claim 24 Ginter et al (See Figs 5b, 17, 20, 26-30)

show content definition within a complex packet header that

includes multimedia data classified by type that is conventional

functional equivalent of the claim limitations. Regarding

searching limitations of claim 25, Ginter et al (See Figs 5b, 17,

20, 26-30) show content definition within a complex packet header

that includes pointers that is conventional functional equivalent

of the claim limitations. Regarding claim 30, Kaydyk et al (See

Figs. 7 and 11, Col. 1, lines 45-65, Col. 9, lines 50-65,)

disclose a method for associating content with a data

structure(header) in a wireless communication device

substantially as claimed. The differences between the above and

the claimed invention is the use of explicit data structure

definition. It is noted that the claim appears to read on all

wireless packets with headers. Each of Ginter et al (See Figs

5b, 17, 20, 26-30) or Watanabe et al (See Fig. 5-7, 11-12 and

claims 1-11) show packets with complex headers in a wireless

environment including charging for encrypted content. It would

have been obvious to the person having ordinary skill in this art

to provide a similar arrangement for Kaydyk et al because packet

headers are conventional functional equivalents of the claim

limitations. Regarding claim 33, Kaydyk et al (See Figs. 7 and

11, Col. 1, lines 45-65, Col. 9, lines 50-65,) disclose a method

for associating content with a data structure(header) in a

wireless communication device substantially as claimed. The differences between the above and the claimed invention is the use of explicit data structure definition. It is noted that the claim appears to read on all wireless packets with headers. Each of Ginter et al (See Figs 5b, 17, 20, 26-30) or Watanabe et al (See Fig. 5-7, 11-12 and claims 1-11) show packets with complex headers in a wireless environment including storage. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Kaydyk et al because packet headers are conventional functional equivalents of the claim limitations.

Examiner's Note: Although Examiner has cited particular columns, line numbers and figures in the references as applied to the claims above for the convenience of the applicant(s), the specified citations are merely representative of the teaching of the prior art that are applied to specific limitations within the individual claim and other passages and figures may apply as well. It is respectfully requested that the applicant(s), in preparing the response, fully consider the items of evidence in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicants arguments dated 9/12/05 have been considered but are not persuasive. Applicants appear to argue each item of evidence when viewed in a vacuum instead of what they suggest.

Art Unit: 3621

The applicants still fail to grasp that a header which is included in all packets is a data structure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number **(571) 272-6927**. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at **(571)272-6712.**

Any response to this action should be mailed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to (703)872-9306

Hand delivered responses should be brought to

       United States Patent and Trademark Office
       Customer Service Window
       Randolph Building
       401 Dulany Street
       Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(703) 306-5771**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222